



DATE: June 13, 2013

TO: Washington State Board of Health Members

FROM: John Austin, Chair

SUBJECT: DEPARTMENT OF HEALTH REQUEST FOR RULE DELEGATION –
CHANGING “BOARDING HOMES” TO “ASSISTED LIVING FACILITIES”

Background and Summary:

The Department of Health is requesting the board delegate its rulemaking authority to the department in order to change the words “Boarding Homes to Assisted Living Facilities.” The department is updating a number of its rules in response to legislation (SHB 2056) that passed during the 2012 legislative session. The delegation is for editorial changes that are necessary to assure the consistency between Title 246 WAC and state law.

The department’s request for delegation meets several of the board’s criteria for rule delegation listed in policy 2000-001, Considering Delegation of Rules to Department of Health. The proposed rule change:

- includes editorial or grammatical changes that do not change the substance of the rule;
- will likely have broad public and professional consensus; and
- does not make significant changes to a policy or regulatory program.

The department’s request for delegation did not include the definitions section of the Group B water systems rules, WAC 246-291-010. In October 2012, the Board adopted changes to these rules, which go into effect January 1, 2014. Part of WAC 246-291-010 includes a reference to boarding homes and chapter 388-78A WAC, Boarding Home Licensing rules. The Department of Social and Health Services (DSHS) is also updating chapter 388-78A WAC in response to SHB 2056. DSHS held its public hearing for these changes on June 4, 2013. Board staff recommends including WAC 246-291-010 in motion to delegate so all references to “boarding homes” in Title 246 WAC are replaced with “assisted living facilities.”

Kelly Cooper, acting Department of Health Policy Director, is here to answer any questions about this request for delegation. Please refer to materials under Tab 8 for more detail.

Recommended Board Action:

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The Board may wish to consider the following motion:

The Board delegates authority to the Department of Health to adopt revisions to chapters 246-100, 246-101, 246-217, 246-260, and 246-291 WAC, changing the words “boarding homes” to “assisted living facilities” to assure consistency with Chapter 10 Laws of 2012 (SHB 2056).

Staff Contact: Michelle Davis